

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NATHANIEL DWAYNE CAETANO,

Petitioner,

v.

UNITED STATES OF AMERICA, et al.,

Respondents.

Case No. 1:23-cv-01648-SKO

ORDER DIRECTING CLERK OF COURT
TO ASSIGN DISTRICT JUDGE

FINDINGS AND RECOMMENDATION TO
DISMISS PETITION FOR WRIT OF
MANDAMUS

On November 27, 2023, Petitioner filed a petition for writ of mandamus pursuant to 28 U.S.C. § 1361 in this Court. The petition is frivolous and nonsensical. Therefore, the Court will recommend the petition be DISMISSED WITH PREJUDICE.

DISCUSSION

The All Writs Act, codified at 28 U.S.C. § 1651(a), provides that “[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” The federal mandamus statute set forth at 28 U.S.C. § 1361 provides: “The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361.

Mandamus relief is only available to compel an officer of the United States to perform a

1 duty if (1) the petitioner's claim is clear and certain; (2) the duty of the officer “is ministerial
2 and so plainly prescribed as to be free from doubt,” Tagupa v. East-West Center, Inc., 642 F.2d
3 1127, 1129 (9th Cir.1981) (quoting Jarrett v. Resort, 426 F.2d 213, 216 (9th Cir.1970)); and (3)
4 no other adequate remedy is available. Piledrivers' Local Union No. 2375 v. Smith, 695 F.2d
5 390, 392 (9th Cir.1982).

6 Petitioner’s claims are not clear and certain; rather, they are entirely nonsensical.
7 Petitioner claims that he is “Prophet Yahweh Satan” and the “lawful Constitutional President of
8 the United States.” (Doc. 1 at 2.) He seeks a writ of mandamus to compel the United States of
9 America to permit him “to create the Apocalypse Chapter 21:1 New Heaven and New Earth.”
10 (Doc. 1 at 2.) Petitioner states he is “the official Registered Prophet, Lord, God, and President
11 of the United States of America.” (Doc. 1 at 5.) The balance of the petition fares no better with
12 obscure and frivolous references to the Bible, the City of Hanford, the Federal Reserve, the
13 spelling of Petitioner’s name, and nonsensical mathematical calculations. The arguments make
14 no sense, are frivolous, and do not merit further analysis. Furthermore, mandamus relief is not
15 available because Respondent is not an officer, employee or agency of the United States.

16 ORDER

17 The Clerk of Court is DIRECTED to randomly assign a district judge to this case.

18 RECOMMENDATION

19 For the foregoing reasons, the Court RECOMMENDS that this action be DISMISSED
20 WITH PREJUDICE as frivolous.

21 This Findings and Recommendation is submitted to the assigned District Court Judge,
22 pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local Rules of
23 Practice for the United States District Court, Eastern District of California. Within twenty-one
24 (21) days after service of the Findings and Recommendation, Petitioner may file written
25 objections with the Court. Such a document should be captioned “Objections to Magistrate
26 Judge’s Findings and Recommendation.” The Court will then review the Magistrate Judge’s
27 ruling pursuant to 28 U.S.C. § 636(b)(1)(C). Petitioner is advised that failure to file objections

28 /////

1 within the specified time may waive the right to appeal the District Court's order. Martinez v.
2 Ylst, 951 F.2d 1153 (9th Cir. 1991).

3
4 IT IS SO ORDERED.

5 Dated: November 30, 2023

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE